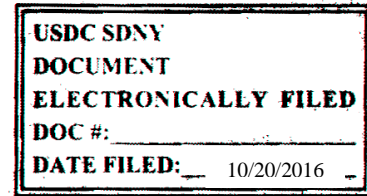


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

ORDER

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SARAH NETBURN, United States Magistrate Judge:

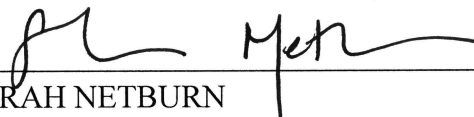
This order relates to: Bauer v. al Qaeda Islamic Army, 02-CV-7236 (GBD)(SN)
Ashton v. al Qaeda Islamic Army, 02-CV-6977 (GBD)(SN)

On October 17, 2016, family members seeking solatium damages associated with forty plaintiffs in Bauer and four plaintiffs in Ashton filed a declaration in support of a motion for final judgment, accompanied by a proposed order. ECF No. 3364. Three family members included in the exhibit accompanying this proposed order were stepparents, who are non-immediate family members of decedents. ECF No. 3364, Capone Decl. ¶ 3–7. On October 18, 2016, the estates of ten additional plaintiffs in Ashton and their associated family members seeking economic and solatium damages filed a declaration in support of a motion for final judgment, accompanied by a proposed order. ECF No. 3367. Two family members included in the exhibit accompanying this proposed order, associated with the Estate of Bettina B. Browne-Radburn, were stepchildren, who are non-immediate family members of decedents. ECF No. 3367-1. The declarations and proposed orders are otherwise in accordance with the framework previously adopted in the Court’s Report and Recommendation, dated October 12, 2016, in Hoglan v. Islamic Republic of Iran, 11-CV-7550 (GBD)(SN), ECF No. 3358.

In order to expedite the issuance of final judgments in these cases, the plaintiffs in Ashton and Bauer are directed to revise and refile their proposed orders, as well as the exhibits attached to the declarations in support of the motions for final judgment to remove any reference to non-immediate family members. As defined in the Court's Report and Recommendation, dated October 14, 2016, in Hoglan v. Islamic Republic of Iran, 11-CV-7550 (GBD)(SN), ECF No. 3363, immediate family members are spouses, children, parents, or siblings of the decedent. Stepchildren, stepsiblings, stepparents, and other relatives are not immediate family members and may recover solatium damages only if they prove that they are the "functional equivalent" of an immediate family member.

In reaching its conclusions regarding the eligibility of non-immediate family members for solatium damages in the October 14, 2016 Report and Recommendation, the Court analyzed each claim individually, and relied on personal declarations submitted on behalf of each claimant. The Ashton and Bauer plaintiffs have not submitted such evidence on behalf of the non-immediate family members who seek recovery in this case. Accordingly, plaintiffs may submit such declarations in support of such family members at their earliest convenience for the Court's consideration.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
October 20, 2016